(84)

Previous references.
Ch. 238-08 (1-5)
ch. 236-09(-1)

1912-13
(Courts)

File No. 7.7
Serial Nos. 154

Later references.
Ms 266-14-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 154.

Part B. for Jany. 13.

SUBJECT.

Reduction of Court fees on copies of judgments of Criminal Courts.

---

1. To the Registrar of Chief Court. no. J. 3630 & 10-6-12
Refers him to the representation contained in Subject no. 60. of D.R.A. and Enquires what would be the probable loss of revenue per annum if the above fees are reduced to 8 annas.
2. From the same officer - no. 1024/95 of 12-9-12
states that the probable loss would be about Rs. 1352/- per annum, and that the representation deserves favourable consideration.
3. To the Registrar Chief Court. ~~no~~. Stamp Comr. Comptr. & the Dy. Comrs. of Dists. nos. J/1847-57 & 4-1-13.
Orders that the fees chargeable for copies of judgts.

of Criminal Courts, should be limited to 8 annas irrespective of the number of words contained in them.

4. To the Compiler, Mysore Gazette. No. J. 1858 84 1-13

Notifies the above.

Hayavadana Rao
8/8/13.

G.R.S. 11] 1912-13

GENERAL AND REVENUE SECRETARIAT.

(~~Legis~~ Courts)

NOTES.

77-12

C6 File No. ~~48~~ 11

FILE HEADING.

Recharge of Court Fees on Copies of judgments of Criminal Courts

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

B
24/1/13

NOTES—First Sheet.

GPB—30,000—12-8-11

P. T. O.

Court's file No 77-12

SUBJECT No. 60.

Copies of judgments in criminal courts.

Messrs. K. Shankaranarayana Rao, Nagar Sabha; S. Sitaramaiya, Shimoga Municipality, A. Ramanna, Yedatore taluk; Hutchvire-gowda, Gubbi taluk; V. Raghavachar, Mysore taluk; and D. Venkatramiah, Bangalore City Municipality.

Summary of discussion.—A fee of eight annas only may be levied as stamp fee in the case of judgments of criminal courts as in the case of judgment of civil courts. The present rule requiring the payment of stamp fee of eight annas for every 360 words for judgments of criminal courts is a great hardship.

Reply of Government.—Steps will be taken to introduce a bill to amend the Court Fees Regulation.

Submitted. This may be transferred to the Legislative Section for taking necessary action in the matter.

K.N. (123)
3.4.12

To Leg. 11/4/12

The object in view may perhaps be attained by inserting the following in the 2nd column of article 5 of Schedule I of the Court Fees Regulation :—

"After the entry (b). the following shall be inserted viz:—

"When such judgment or order is passed by a Criminal Court. . . . . Eight annas.

If approved a bill will be drafted. Submit for orders

7/5/12 SVC(11)

15/5/12

[This article & that now applies]

[G. R. S. 12]

General and Revenue Secretariat. | C— File No. 77 of 1912—13

Serial No.

Perhaps the Stamp Comr should be consulted before definite action is taken

SB

18/5/12

4 18/5/12. Would not a notice under S. 42 be sufficient?

I should like to have an estimate of the loss of revenue? What will the St C— be able to say? Is not Ch. C in a better position? Any consultation necessary to ascertain details may be made.

20/5/12

5 ii A notification under Sec 42 appears to be sufficient, as observed by the 1st Counsel.

2 Please obtain the opinion required by the 1st Counsel & also consult the Chief Comr as above by him.

Put up drafts SB

22/5/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

Yes WS

22/5

G. R. S. 12]

Courts File N 77-12

General and Revenue Secretariat.

~~Legis~~ File No. ~~78~~ of 1911-12

Serial No.	
6	L.W. to the Chief Court will be in a better position to obtain the necessary information, a draft to the Registrar of the Chief Court is submitted for approval. The necessary notification will be put up after the information called for is obtained.
	MS(25) SW(11) 25/5/12
	29/5/12 30/5
1	No J 3630 dated 10/6/12 to the Registrar, Chief Court of Mysore. Invites his attention to the subject No. 60 of the Representative Assembly Proceedings and requests him to furnish information as to the amount realised under this head for the last 5 years and the probable loss of revenue that would accrue if the suggestion is sanctioned.
2	From the same officer No 1024/75 12/16-9-12 Forwards a consolidated statement giving the required information and states that the probable loss of revenue would be

NOTE—Contn. sheet.

GPB—20,000—20-1-12

J. R. S. 12]

General and Revenue Secretariat.

Cts Legn File No. 77 of 1912-13

Serial No.

be about Rs. 1,352/-, that the Stamp Court who was consulted is of the same opinion, and the Chief Court considers that the representation deserves favourable consideration.

8 As a notification under Sec 42 is considered sufficient, no legislation is necessary. The file may therefore be transferred to "Courts" section for necessary action, as similar action has been taken in the past.

27/9/12

Sd/-
ASec
21/9/12

9 Submitted with a draft order and a draft notification granting the members request for approval or for other orders.

10 (2) Attention is invited to the previous papers now put up, in which the same request has been declined twice before.

11 (3) It is also a point for consideration whether Branch II has not to be consulted in case the drafts-

Cs 238-08
Cs 236-09

NOTE—Contn. sheet.

GBB—20,000—20-1-12

General and Revenue Secretariat.

CG File No. 77 of 1912-13

Serial No.

put up are to issue.

Hcg 27.9.12 CG

1/2 The anticipated sacrifice of revenue will be about Rs 1352/- Bo 4 has therefore to be consulted.

3 The Chief Comt recommend the concession asked for.

Offrs put up.

Sd

27/9/12

14

Sec'y

Hl Secy 38/9

Sec'y

To ✻ for remarks.

25

28/9

Sd

15

38/9/12

Submd

27.9.12 CG

In Ch file 2380 of 08-09 the then

38/9

NOTE—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

File No. 77 of 1912-13

Serial No.

387

Secy Mr Chandrasekhara Iyer Notes that the rates were the same as in British India & ~~the Act has also this~~ the proposal was Vetoed & was again raised & Vetoed and now it is proposed to give in. The loss to Revenue is one Rs 1352 per annum and whether this reduction is owned for throw the Cost of maintaining Copyists on Govt is not known. If however it involves merely a loss of Revenue to the amount above stated to that extent entailing any further liability on the State and if the administrative Depts are satisfied that the measure is one which is called for in the best interests of the general public this Branch may perhaps agree.

Secy

Govt

1) It appears from the reports & Discussions in 1910 & 1909 that under the Cr Pro Code accused persons in other than Summons cases are entitled to a copy of the judgment free of cost & that in other cases the present rates are the same as in British India.

2) In my opinion no case whatever has been made out for a substantial sacrifice

NOTE—Contn. sheet.

GPB—65,000—17-8-12.

Serial No.

387

of revenue -

1 A change in the decision of Govt. after refusing to grant the request twice is not desirable specially as no new facts or arguments have been now brought forward.

2 A sacrifice of regular recurring revenue is a very serious matter & should not be thought of in the absence of very strong reasons

4/10/12

5/10/12

5/10/12

The Chief Secretary to Government has represented that there was reasonable consideration for the financial sacrifice proposed in the form of this concession as it was the result of a bargain

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

No 39

G. R. S. 12]

General and Revenue Secretariat.

File No. 77 of 1912-13

Serial No.	
	Revenue & his amount of about Rs 1350, annually
	28 12/10/12
999	1st Cannabis
	20 I call up this file at the DR meeting, so it has come up to me direct.
	21 It seems to me that in justice & equity every accused person has a right to a copy of the judgment of the original Court (whether it be of conviction or one of acquittal) upon which he is accused. In this view it is but fair that the Court fee paid on such judgment should be forgone, & that to this extent the concession asked for may be granted.
	To 1st Member & 2nd Cannabis 5.11.12
	22 The point in issue has been somewhat misunderstood in the Dewan's note. The question is not to forego

Returned to Board on 24.10.12

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

Serial No.

the Court fee altogether, but to require only 8 As. 8 th. though the proc^s be longer than 360 B words.

23. There is no question of Govt giving copies without Copying fees being levied in cases in which the Cr. Pr. Code does not require a free grant.

24. The draft order is many issue, though a sacrifice of about ~~Rs~~ Rs 1300 Rs a year is involved.

12/11/12.

2nd Counsellor

13/11

25. I agree. ~~of~~ May be issued

14/11/12

Dewan

14/11

90
15-11-12

NOTE—Contn. sheet.

GBB—20,000—20-1-12

15/11/12

Submitted to His Highness.

The accompanying papers relate to the questi of reducing the court fees leviable under the existin rules, on copies of judgments of Criminal Courts.

2. Under Article 8 of Schedule I of the Court Fees Regulation III of 1900, a fee of eight annas is charged for every three hundred and sixty words or fraction thereof. In the Dasara Representative Assem- bly of 1911 a representation was made that the fee may be fixed at an uniform rate of eight annas irrespectiv of the length of the judgments as in the case of judg- ments of Civil Courts.

E.

3. The Chief Court reported in consultation with the Commissioner of Stamps that the loss to the stamp revenue by the proposed reduction would be about - - Rs.1,352, and recommended the request for the favour- able consideration of Government.

G.

4. The Financial Secretary was of opinion that " no case whatever has been made out for a substantial sacrifice of revenue ", and that " a sacrifice of re- gular recurring revenue is a very serious matter, and

should

Pages 7 & 8 of notes -

12

should not be thought of in the absence of very strong reasons ".

Page 10 of Notes

5. The First Councillor considered that the concession may be granted " though a sacrifice of about Rs.1,300 a year is involved ", and in this opinion the Second Councillor also agrees.

Page 9 — a —

6. At page 9 of the Office Notes, Mr.Ananda Row recorded that an accused person should obtain a copy of the judgment free of court fee; but as was pointed out by the First Councillor there appears to have been a slight misunderstanding of the point in issue.

7. Looking to all the circumstances of the case, it seems to me that there is no reason why criminal judgments should be differentially treated from judgments in civil cases; and I agree with the Councillor in thinking that the concession may be granted though at some slight financial sacrifice. The drafts of the Government Order, and the Notification submitted herewith may be approved.

Drafts for approval.

M. Vishwanatha

17th Dec. 1912

lm

13

Record of Cases submitted for the Orders of His Highness the Maharaja .

Subject.

Reduction of Court fees on copies of Judgments of Criminal Courts.

478

Order.

Approved

~~KRW~~

23/12/12

Secretary

23-12-12 RB

B iii

22.

24/12

25/12/12

Issue drafts as pd by Dewan

26/12/12

General and Revenue Secretariat.

C.S. File No. 77 of 1912-13.

Serial No.	
3	To The Regr Ch. Ct., Stamp Court, Comptr, and the D. Courts of Dts. No. J 1844-54 d. 4-1-1913. Orders that the fees chargable for copies of judgments of Criminal Courts be limited to As 8 irrespective of the number of words in the judgment.
4	To the Compiler Rs. G. No. J. 1858 d 4-1-13 Notifies that the fees on copies of judgts. of Criminal Cts. should be limited to 8 annas. (Vide page 27, Mysore Gazette, Part I, dated 18 Jany. 1913)

NOTE—Contn. sheet.

GPE—65,000C—17-C-12.

G.R.S. 261

17-12

File No. ~~46-11~~

Serial No. 1

16

Diary No. of letter replied to

No. J 3630.

General and Revenue Secretariat
(~~Legis~~ Courts)
the 19 .

To

The Registrar of the Chief Court of Mysore, Bangalore.

Date of issue 10-6-12

Signed by Sec. S. Srinivasacharya

Has the honor to invite his attention to subject No. 60 of the Representative Assembly Proceedings of 1911, ~~de~~ regarding the demand of Court fees on Copies of judgments of Criminal Courts and to request that the first may be furnished with the opinion of the Chief Court thereon, with information as to the ~~total~~ amount

1

over.

SUBJECT.

realised in all the criminal Courts
in the State during the past 5
years on Copies of judgments signed
by those Courts together with
information as to the probable
loss of revenue that would occur
if the representation of the
members is complied with. granted.
The Stamp Commissioner may, if
necessary, be communicated with.

By Order.

for Secretary.

SW(11)
23/5/12

List of enclosures,

Copied by

Examined by

GPB—20,000—25-9-10

No: Copy Sucone 75

CHIEF COURT OF MYSORE.

Bangalore, dated 12th September 1912

DIARY No. 771

12/9/13
Legis. Cb.
48-11-77-12
1 2

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

S i r,

Adverting to your docket No. J.3630/Legis.48-11 dated the 10th June 1912, requesting to be furnished with a statement as to the amount realized in all the Criminal courts in the State on copies of judgments issued by those courts, I am directed to forward herewith a consolidated statement prepared from the figures furnished by subordinate courts for the last three years, figures for previous years not being readily available.

2. It will be seen from the above statement that the proposed change would result in an approximate loss to Government of Rs. 1,352/- per year under the head "Stamp Revenue"

3. The Stamp Commissioner who was consulted in the matter states that he sees no reason to think that the loss would be greater than the sum estimated.

4. In the opinion of the Chief Court, the representation

made

— Do — Kadur	83	137	—	—	87	143	8	—	105	163	8	—	275	443	8	—		
— Do — Chitaldroog	175	251	5	0	141	175	13	—	161	238	11	—	477	665	13	—		
										Total			8244	8133	6	4		

	Number of applications		Court fees.
Average for a year	2748		2711
Add probable average for Bangalore Sessions Court	10		20
	2758		2731.
Court fee at half a rupee on the applications	$\frac{2758}{2}$	=	1379.

Court fee now levied Rs 2731.

Probable loss. 2731 — 1379 = 1352.

Chief Court of Mysore
Bangalore 12th September 1912

S Raghavachar
Registrar.

87.

Statement showing the amount of Court fees realized in all Criminal Courts of the State on copies of Judgments for the past 3 years beginning from 1909-10.

	1909-10				1910-11				1911-12				Total				Remarks.
	Number	Amount			Number	Amount			Number	Amount			Number	Amount			
Sessions Court-Bangalore	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	No Court was recently formed.
— Do — Mysore	11	20	8	-	11	26	-	-	15	35	-	-	37	81	8	-	
— Do — Shimoga	.	.	.	.	.	.	.	.	.	.	.	.	15	32	-	-	
Assistant Sessions Judge's Court Bangalore	2	9	-	-	3	13	1	-	1	6	8	-	6	28	9	-	
— Do — Mysore	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
— Do — Shimoga	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
District Magistrate Bangalore	.	.	.	.	.	.	.	.	.	.	.	.	1006	1083	12	-	
— Do — Kolar	311	319	9	-	246	229	4	-	279	235	2	-	836	783	15	-	
— Do — Tumkur	.	.	.	.	.	.	.	.	.	.	.	.	562	758	-	-	
— Do — Mysore	1094	887	2	4	1274	985	4	4	1475	1168	9	8	3843	3041	-	4	
— Do — Hassan	287	231	-	-	236	202	12	-	294	242	7	-	817	676	3	-	
— Do — Shimoga	147	204	8	-	105	161	8	-	118	173	2	-	370	539	2	-	

Encl. to G.O. 77-12-2

G.R.S. 28.]

File No. 77-1/2

Serial No. 3

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT

( )

the 19

Dated of issue 4-1-13

Signed by Mr S. Hiriyannaya

Read—Subject N 60 of the Proceedings of the Representative Assembly of 1911, and the reply of Govt thereto, in the matter of

~~ORDER THEREON.—NO.~~

the reduction of the Court fees levied on Copies of Judgments of Criminal Courts.

(2) Letter N 1024/75 dated

over

SUBJECT.

GPB—10,000—19-4-10

12th September 1912 from the Registrar, Chief Court of Mysore, furnishing the opinion of the Chief Court in the matter.

Order thereon N.- J/1847-57/1547-12-39 # 4-1-13

Govt are pleased to direct that the fees for Copies of judgments of Criminal Courts, now Charged at the rate of 8 annas ~~per~~ per 360 words, be limited to eight annas only irrespective of the ~~length~~ number of words in ~~of~~ ~~the~~ The judgment.

A notification under Section 42 of the Court fees Regulation will be issued accordingly to give effect to this decision. Amending the Table of fees in Schedule I ~~thereof~~

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Off'g Secy to Govt

To

The Registrar, Chief Ct.

" Stamp Commr in Mysore

" Comptr to Govt

" Dy Commissioners of Districts.

Draft
Secy
27.9.12

Copy to Dasara Section

12.12
19

5 28/12/12 2 Drafts

G. R. S. 26]

C& File No. 77-12

Serial No. 2

Diary No. of letter replied to

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 4-1-13

Signed by Mr K.R. Srinivasaiyar

Notifn. No. J 1858

~~To~~

In exercise of the powers conferred by section 42 of the Mysore Court Fees Regulation, 1900, the Govt. of H.H. the Maharaja of Mysore are pleased to limit the fees on Copies of judgments of Criminal Courts to eight annas.

By order

Offg Secy to Govt

Do. over.

To be translated

Mysore Gazette page 27 of Part I. 9-1-13.

17.12.12 RG

To

SUBJECT. The Compiler, Mysore Gazette for publication with a Kannada translation and supply of 200 Spare Copies of the notification.

Dft Secs 12

27-9-12